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28
19 **UNITED STATES DISTRICT COURT**
20 **NORTHERN DISTRICT OF CALIFORNIA**
21 **SAN JOSE DIVISION**

22
23 **IN RE ZOOM VIDEO**
24 **COMMUNICATIONS, INC. PRIVACY**
25 **LITIGATION,**

26 This Document Relates To: All Actions

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16 *Communications, Inc.*

17 Master File No. 5:20-cv-02155-LHK

18
19 **THIRD SUPPLEMENTAL JOINT CASE**
20 **MANAGEMENT CONFERENCE STATEMENT**

21
22 CMC Date: May 19, 2021
23 CMC Time: 2:00 pm
24 Judge: Hon. Lucy H. Koh
25 Courtroom: 8

JOINT CASE MANAGEMENT STATEMENT

In accordance with the Court's order of February 23, 2021 (ECF No. 163), Plaintiffs and Defendant Zoom Video Communications, Inc. ("Zoom" or "Defendant"), by and through their respective counsel of record, hereby jointly submit this Joint Case Management Statement reporting on events since the last statement was filed on February 17, 2021 (ECF No. 156).

1. PROGRESS SINCE LAST CASE MANAGEMENT STATEMENT

The parties report that the key changes since the last case management statement are: (1) the parties provided each other with additional discovery, as described below; (2) Plaintiffs filed their Second Amended Complaint; (3) the parties continued their settlement discussions, including an additional full-day mediation session before the Hon. Jay C. Gandhi (Ret.) on April 21, 2021 and several follow-up sessions overseen by Judge Gandhi, and reached agreement on several material terms of a proposed resolution; and (4) the parties expect to hold an additional session with Judge Gandhi next week as they seek to complete settlement negotiations, finalize the details of a settlement, formally memorialize the settlement, and present the settlement to the Court for approval as expeditiously as possible (ECF Nos. 176 & 178).

2. AMENDMENT OF PLEADINGS

The Plaintiffs filed their First Amended Complaint ("FAC") on October 28, 2020. On December 2, 2020, Zoom filed a motion to dismiss the FAC in its entirety (ECF No. 134). On March 11, 2021, the Court granted in part and denied in part the motion to dismiss, and gave Plaintiffs leave to file a Second Amended Complaint (ECF No. 168). On May 12, 2021, Plaintiffs filed their Second Amended Complaint ("SAC").

3. MOTIONS

There are no motions currently pending. Zoom expects to file a Rule 12 motion should Plaintiffs file a SAC. Additionally, briefing on Plaintiffs' class certification motion is currently scheduled to begin on June 25, 2021 (ECF No. 162). As discussed above, the parties have made substantial progress toward settlement and thus anticipate filing a motion for preliminary approval of

1 the settlement in short order, at which point the parties would request that all case deadlines be vacated.

2 **4. EVIDENCE PRESERVATION**

3 The parties stipulated to a protocol governing ESI discovery in this matter, which the Court
4 entered on January 20, 2021. (ECF No. 145.)

5 **5. DISCLOSURES**

6 The parties timely served their initial disclosures on August 14, 2020.

7 **6. DISCOVERY**

8 The Court has entered a Stipulated Order Re Federal Rule of Evidence 502(D) and Privileged
9 Materials Order (ECF No. 140), and a Stipulated Protective Order (ECF No. 139).

10 Plaintiffs propounded written discovery on Zoom on August 28, 2020 and December 17, 2020
11 in the form of Requests for Production of Documents and Interrogatories, respectively. Zoom timely
12 served its responses and objections to Plaintiffs' document requests and interrogatories, and to date,
13 Zoom has made seven (7) rolling productions.

14 Zoom propounded written discovery on Plaintiffs on December 2, 2020 in the form of Requests
15 for Production of Documents, Interrogatories, and Requests for Admission (collectively "Requests").
16 Plaintiffs timely served their written responses to Zoom's Requests on January 19, 2021 and their
17 production is ongoing.

18 On April 5, 2021, the Court denied Zoom's request to adjust case deadlines and to stay
19 discovery (ECF No. 174). On April 7, 2021, the Court ordered Zoom to immediately resume its rolling
20 document production without limitation (ECF No. 175).

21 The parties continue to engage in discovery.

22 **6. SETTLEMENT AND ADR**

23 To date, the parties have had two full-day mediation sessions before the Hon. Jay C. Gandhi
24 (Ret.) and numerous follow-up telephonic negotiation sessions conducted by Judge Gandhi. An
25 additional mediation session is scheduled for next week as the parties seek to resolve the next seminal
26 issues.

7. SCHEDULING

In light of the parties' substantial progress towards finalizing a settlement agreement to be presented to the Court with a motion for preliminary approval, and to accordingly avoid unnecessary litigation, the parties jointly submitted a stipulation on May 11, 2021 (ECF No. 178), requesting that that the case schedule be modified as follows:

1. Plaintiffs' SAC deadline is extended to June 9, 2021;
 2. The Further Case Management Conference scheduled for May 19, 2021 is taken off calendar pending further Order of the Court;
 3. All other deadlines shall remain the same.

8. OTHER

The parties have no other issues to raise at this time.

Dated: May 12, 2021

AHDOOT & WOLFSON, PC

By: /s/ Tina Wolfson
Tina Wolfson

Dated: May 12, 2021

COTCHETT, PITRE & MCCARTHY LLP

By: /s/ Mark C. Molumphy
Mark C. Molumphy

Interim Co-Lead Class Counsel

Dated: May 12, 2021

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By: /s/ Michael G. Rhodes
Michael G. Rhodes (1)

Atorneys for Defendant
ZOOM VIDEO COMMUNICATIONS, INC.

1 **FILER ATTESTATION**
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I, Michael G. Rhodes, attest that concurrence in the filing of this document has been obtained from the other signatories. Executed on May 12, 2021, in San Francisco, California.

/s/ Michael G. Rhodes

Michael G. Rhodes

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